

Exhibit 5

The Lift Stay Communications

Breen, Matthew

From: Bacon, Nicole
Sent: Tuesday, December 3, 2019 11:31 AM
To: Wandymar Burgos Vargas
Cc: Feldesman, James; Ghiladi, Kathy; mrm@rmlawpr.com; 'Beckerman, Lisa'; Caracas, Nancy; Iván J. Ramírez Camacho; Susana Peñagaricano; Michel Mir Martinez; 'Hermann.Bauer@oneillborges.com'; 'ubaldo.fernandez@oneillborges.com'; 'lmarini@mpmlawpr.com'; 'cvelaz@mpmlawpr.com'; '{F387501}.Feldesman_Docs@WorkSiteEmm.feldesmantucker.com'
Subject: Re: NBacon: Notice to Lift Stay 11.18.2019
Attachments: Att 4 Payment Calculations.xlsx

Dear Lcda. Burgos Vargas:

The Commonwealth has already calculated the amounts of the interim payments using the agreed upon formula in the spreadsheet I provided as Att. 4 and have attached again to this message. Although there are some minor discrepancies with the calculations for some of the centers at this time, we have no objections to the calculations in column C of the spreadsheet (labeled "A"/ Calculation List 2019-Q1).

The Commonwealth averaged those calculated amounts with the payments from the fourth quarter of 2018 (which are based on the old rates). The Commonwealth applied averaging of the two prior quarters for each subsequent payment. The stipulation was to apply the new PPS rates to the agreed upon formula and there has never been an agreement to calculate interim payments by averaging the prior quarter's payment. Furthermore, there have been no court orders allowing for averaging of prior quarters.

Please let us know if you need any other information from us and whether you would like to schedule a call to discuss this further.

Sincerely,

Nicole M. Bacon

From: Wandymar Burgos Vargas
Sent: Wednesday, November 27, 2019 6:01 PM
To: Bacon, Nicole
Cc: Feldesman, James; Ghiladi, Kathy; mrm@rmlawpr.com; 'Beckerman, Lisa'; Caracas, Nancy; '{F387501}.Feldesman_Docs@WorkSiteEmm.feldesmantucker.com'; Wandymar Burgos Vargas; Iván J. Ramírez Camacho; Susana Peñagaricano; Michel Mir Martinez
Subject: NBacon: Notice to Lift Stay 11.18.2019

Counsel:

This message is in regard to the notice of lift of stay you sent to counsel for FOMB and AAFAF and to the undersigned on November 18, 2019. In such notice, you informed that Plaintiffs intend to seek relief pursuant to Title III Court's *Tenth Amended*

Case Management and Administrative Procedures Order, because “The Commonwealth has violated paragraph 1(b) of the stipulation which requires it to make payments pursuant to “the previously agreed upon estimated formula, adjusted with the newly set rates listed in Exhibit A” of the stipulation (“Quarterly Payments”).”

You further explained that “the Commonwealth calculated the amount due under that formula (See Att. 4) and issued a payment based on the average of the amount due under that formula and then averaged it with the fourth quarter of 2018 (which used the old PPS rates). The payment for the second quarter was an average of the payment between the Q4 2018 and Q1 2019, and the payment for the third quarter was an average between Q1 and Q2 2019 payments.” Simply put, you allege that the Commonwealth is not following the stipulation and it is in violation of federal law.

In order to address your concerns responsibly, we need you to provide us with a detailed explanation of how the Quarterly Payments (WAP) should have been paid, including the method of calculation for these payments (WAP) you understand is correct. We expect your answer by December 3, 2019 in order to properly address the matter.

Should you have any questions, feel free to contact the undersigned.

Cordially,

f/WBV

Lcda. Wandymar Burgos Vargas

Secretaria Auxiliar
Secretaría Auxiliar de lo Civil
Departamento de Justicia
wburgos@justicia.pr.gov

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From: Bacon, Nicole [mailto:nbacon@feldesmantucker.com]

Sent: Monday, November 18, 2019 8:10 PM

To: 'Hermann.Bauer@oneillborges.com'; 'ubaldo.fernandez@oneillborges.com'; Diana M. Perez (dperez@omm.com);

'lmarini@mpmlawpr.com'; 'cvelaz@mpmlawpr.com'; Wandymar Burgos Vargas; Michel Mir Martinez

Cc: Feldesman, James; Ghiladi, Kathy; mrm@rmlawpr.com; 'Beckerman, Lisa'; Caracas, Nancy;

{F387501}.Feldesman_Docs@WorkSiteEmm.feldesmantucker.com'

Subject: Notice to Lift Stay

Dear Counsel,

Please see the attached Notice to Lift Stay on behalf of Atlantic Medical Center, Inc., Camuy Health Services, Inc., Centro de Salud Familiar Dr. Julio Palmieri Ferri, Inc., Ciales Primary Health Care Services, Inc., Corp. de Serv. Médicos Primarios y Prevención de Hatillo, Inc., Costa Salud, Inc., Centro de Salud de Lares, Inc., Centro de Servicios Primarios de Salud de Patillas, Inc., and Hospital General Castañer, Inc.

We look forward to speaking with you about this matter.

Nicole M. Bacon

Partner

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